

DOCUMENT RESUME

06969 - [B2267315]

[Award of Contract by the Federal Republic of Germany Met for GAO Consideration]. B-192376. August 10, 1978. 2 pp.

Decision re: International Research Associates; by Robert F. Keller, Acting Comptroller General.

Contact: Office of the General Counsel; Procurement Law II.

Organization Concerned: Federal Republic of Germany.

Authority: 4 C.F.R. 20. B-188784 (1977). B-188514 (1977).

B-184220 (1975).

A company protested a contract award by the Federal Republic of Germany, maintaining that the procuring activity failed to comply with NATO rules for international competitive bidding. The protest was dismissed because it involved neither a Federal procurement nor a procurement involving Federal grant funds. (HTW)

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DECISION



John Melody PL II

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-192376 DATE: August 10, 1978
MATTER OF: International Research Associates, Inc.

DIGEST:

Award of contract for NATO Infrastructure work by Federal Republic of Germany is dismissed since it is neither Federal procurement nor procurement involving Federal grant funds.

International Research Associates, Inc. protests the award of a contract for NATO Infrastructure project, the Long Range Security Program, under Tender # 105/77, issued by the Federal Republic of Germany.

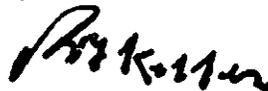
The protester maintains that the procuring activity, by permitting two firms to supplement their technical proposals with new information and thereby avert disqualification, failed to comply with the NATO rules for International Competitive Bidding (NATO Document 2261). Further, the protester suggests that the importance of the subject program to the NATO defense scheme calls for close scrutiny by the procuring activity of the projected ability of contestants to perform in accordance with contract specifications. Pursuant to this concern, the protester recommends disqualification of the proposal submitted by BBC/Johnson Controls, based upon subcontractor Johnson Controls' "poor reputation in the industry for meeting specifications."

It is our understanding that the Department of the Army appropriation for the NATO Infrastructure Program will be used initially to finance this procurement. In due course, NATO will reimburse the United States through the Federal Republic of Germany.

We have refused to consider protests of contract awards where the funds involved in the procurement are obtained through a loan from the U.S. Government because such protested award involves neither a procurement by or for an agency of the United States, nor a procurement by a grantee of the United States.

4 C.F.R. 20.1(a) (1977). See New England Insulation Co., B-169784, April 21, 1977, 77-1 CPD 276; Allis-Chalmers Corporation, B-188514, April 5, 1977, 77-1 CPD 235; General Handling Systems, Inc., B-184220, July 17, 1975, 75-2 CPD 46.

The subject procurement was not conducted by or for the United States and NATO is obligated to repay the funds made available to the Federal Republic of Germany by this Government. In view of these facts the matter is not for our consideration and is dismissed.



Acting Comptroller General
of the United States